

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

September 25, 2003

SUBJECT:

Variance Application APP2003-00806

Applicant: Kenneth Brown
502 Calvin Lane
Rockville, Maryland 20851

Property Location: 502 Calvin Lane

Board of Appeals Public Hearing Date: October 4, 2003

REQUEST:

The applicant seeks an eleven-foot variance from the front yard setback to construct an addition

STAFF RECOMMENDATION:

Denial.

ANALYSIS:

Project Proposal

The applicant seeks approval of a variance to construct a fourteen-foot deep by twenty-two foot wide addition onto the front of the house. The addition is proposed to be used as an entryway into the house and as a kitchen addition.

Property Description and Background

The subject property is located in the Geeraert's Addition to Twin-Brook subdivision, where it is zoned R-60, One-Family Detached Residential. The property contains 6,440 square foot of land and is improved with a single-family dwelling and an accessory building. The yard is relatively flat in front and along the sides of the house but drops off significantly in the rear yard.

Requested Variance

Section 25-311 requires that dwelling be setback twenty-five feet from the front property line in the front yard. It also requires that any dwellings constructed thereafter be setback in line with the existing dwellings on the same block even though that setback may exceed the twenty-five feet minimum requirement. The applicant would like to place an addition onto the front of the house that measures fourteen feet deep by twenty-two feet across. Because the house is setback three feet more than required by the Zoning Ordinance, a variance of eleven feet from the front yard setback would be required to construct the proposed addition.

Applicable Sections of the Zoning Ordinance

Section 25-311 of the Zoning Ordinance requires that structures be setback twenty-five feet from front property line for properties located in the R-60 Zone.

Staff Analysis and Recommendation

The following are the findings that the Board is required to make to approve a variance as well as staff's observations.

1. **The variance as requested would not be contrary to the public interest.** Additions like this would be contrary to the public interest. The Zoning Ordinance contains specific requirements for all zones. Within those zones, more specifically residential zones, the setbacks preserve an overall setting that is guaranteed when a person purchases a property within a neighborhood. Yes, there are permitted encroachments into the front setback space but they are basically for uninhabitable spaces for very limited distances. To allow a significant (44%) encroachment into the front setback for an addition whose space could be accommodated elsewhere on the property would be contrary to the public interest.
2. **The variance is requested owing to conditions peculiar to the property and not the result of any action taken by the applicant.** Houses like this one contain a central fireplace that separates the kitchen from the original living room. In many, if not all of the houses constructed with this floorplan, the fireplace also acts as a structural support for the support beams that run through the center of the homes. It would not be an easy solution to remove it and open up the space within the dwelling. Therefore, it seems that the easy solution is to build onto the front to achieve an eat-in kitchen or dining area. This, however, does not mean that the variance is necessitated by to conditions peculiar to the property because all of these homes have the same condition. It is also possible to build a new living room off of the back of the home and convert the existing living room into a dining room. Because the desired space can be achieved elsewhere on the property and because the property is much the same as other homes in the

neighborhood, the variance, as requested is not owing to conditions peculiar to the property.

3. **A literal enforcement of the Ordinance will result in practical difficulty.** A literal enforcement of the Ordinance would not result in practical difficulty. It may require a redesign to achieve the desired spaces but it could all be achieved without the need for a variance.

Staff would like to point out that the proposed addition is also part of significant improvements planned for the house. There is an addition planned along the side of the house to create a new entry with a mudroom and storage space. A second story is also planned for the sunroom on the back of the house. Staff understands that because of the grade, it would probably be more costly to place an addition onto the back of the house to create the needed space but the area created underneath a different addition onto the back of the house could be used for other purposes.

Based on the above, staff recommends denial of Variance Application APP2003-00806.

NOTIFICATION

Notices about the public hearing were sent to 485 residences, including those that are legally required.

Attachments